IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.430 OF 2005

Chhaganlal Suwasiya .. ..Petitioner
Versus
The State of Maharashtra & Ors .. ..Respondents

Ms Sunanda R. Mumbhat, Advocate for Petitioner.
Mr.S.R.Shinde, APP for Respondents.

CORAM : R.M.S.KHANDEPARKAR &
P.V.KAKADE, JJ.

DATE : 7TH APRIL, 2005.

P.C.

1. Heard.

2. The grievance of the Petitioner is that inspite of cognizable offence being disclosed under letter dated 26th April 2002 the police authorities have failed to register the FIR and to conduct the investigation in the matter. Undisputedly the allegations made by the Petitioner were in the nature of criminal breach of trust and cheating by the persons against whom the allegations are made. The reliance is sought to be placed by the learned advocate for the Petitioner in the

decision of the Supreme Court in the case of **Mohindro vs. State of Punjab** reported in AIR 2001 SC 2113, which was in case regarding the offence under Section 154 and 157 of IPC. Section 154 relates to failure on the part of the owner or occupier of the land giving information about riot and Section 157 relates harbouring persons hired for unlawful assembly. The offence in the nature of riot certainly affect the public in general. The offences in relation to criminal breach of trust are between the parties, which are directly involved in the matter and affect the person, committing the offence and the complainant. Being so, merely because the police refused to look into the matter in the complaint made by the petitioner that would not justify by interference by this court in exercise of powers under Section 226 of the Constitution of India, more particularly when the Petitioner has alternate efficacious remedy available in the form of filing a complaint before the Magistrate. Hence the Petition is rejected.

(R.M.S.Khandeparkar,J.)

(P.V.Kakade,J.)